

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

SHONTA JACKSON, on behalf of her minor daughter A.R.,

Plaintiff,

v.

CITY OF BATON ROUGE; PARISH OF EAST BATON ROUGE;
MELVIN LEE “KIP” HOLDEN; SID J. GAUTREAUX III,
Sheriff of East Baton Rouge Parish; CARL DABADIE, JR., Chief
of the Baton Rouge Police Department; COL. MICHAEL
EDMONSON, Superintendent of the Louisiana State Police; AIX
GROUP, d.b.a. NOVA CASUALTY CO.; XYZ INSURANCE CO.;
UVW INSURANCE CO.; AARON W. SPELYNG; JEREMY
SCHIRO; JOHN HART; BRYAN THOMPSON, JOSHUA ELLIS;
CHRISTOPHER MCCLURE; EVELYN DUNN; JACOB
BUTLER III; ROBERT DEVORE; MICHAEL MCCLEARY;
RICHARD ARNETT, PAUL BROWN, DAVID BURTWELL,
JAMES CRISLER, MYRON DANIELS, SHAWN DELANEY,
BRETT DELCAMBRE, KYLE KELLER, DUSTIN MCGINNIS,
THOMAS MORSE JR., ROBERT J. MORUZZI, BRIAN O.
NORRIS, ADAM K. RHODES, CHARLES E. ROBINSON,
JEREMY STANLEY, CHRISTOPHER TAYLOR, JERRY
WALKER, JEFFERY WILLIAMS, JOHN WINDHAM; Baton
Rouge Police Department OFFICER DOES 1–50; East Baton
Rouge Sheriff Office DEPUTY ROES 1–50; and Louisiana State
Police TROOPER MOES 1–50.

Defendants.

No. 3:17-cv-438

Jury Trial Demanded

COMPLAINT

I. NATURE OF THE ACTION

1. On July 5, 2016, officers of the Baton Rouge Police Department Tased, tackled, and shot Alton Sterling, a Black father of five and resident of Baton Rouge, Louisiana. Over the

following week, members of the Baton Rouge community—many of them Black residents—came together to voice anger and disappointment at the killing of Mr. Sterling and the aggressive and racist policing they had endured for decades. People gathered on the streets, sidewalks, and neutral grounds of Baton Rouge to protest. The protests were spontaneous and peaceful. The protesters were law-abiding.

2. Despite protesters' peaceful aims, Defendants entered into and executed a conspiracy to deny members of the Black community of Baton Rouge their right to grieve, express their anger, and demand equal protection from law enforcement. In furtherance of this conspiracy, Defendants arrested protesters without just cause, solely to suppress the protests and deny the protesters' right to assemble, to free expression, and to petition the government for redress of grievances. Defendants' actions were particularly aimed to suppress dissent of Black citizens of Baton Rouge.

3. To this end, as the protests began, Defendants created a plan to intimidate the protesters through the use of violent, militarized police tactics, which included the use of rifles, batons, riot shields, armored vehicles, and armed officers. Defendants sought to disrupt the peaceful protests by utilizing pre-determined tactics to disrupt crowds of peaceful, law-abiding protesters.

4. On July 9, 2016, Defendants implemented that plan and arrested Plaintiff A.R. on the false grounds that she was "Disturbing the Peace by Tumultuous Manner" or "Disturbing the Peace Tumultuous Acts" in violation of La. R.S. 14:103(A)(4), which prohibits "[e]ngaging in any act in a violent and tumultuous manner by any three or more persons." A.R. had no intention of disturbing the peace and never did so. Rather, her purpose was to protest in an assertive but peaceful and respectful manner. Despite A.R.'s peaceful protest, Defendants pointed long guns

at her and other peaceful protesters, terrifying her that she might be shot and killed by Baton Rouge area law enforcement officers, just as Alton Sterling had been mere days before.

5. A.R. was detained by law enforcement officers and brought to the Fourth District Precinct, where her mother, Shonta Jackson, picked her up. A.R. has been traumatized, labeled as a criminal, and made fearful of exercising her First Amendment rights in the future.

6. This action seeks to hold Defendants liable for A.R.'s unjust and racially discriminatory arrest. That arrest was conducted solely to quash peaceful protests against the pattern of racist law enforcement by the City of Baton Rouge/Parish of East Baton Rouge.

II. JURISDICTION AND VENUE.

7. A.R., through her mother Shonta Jackson, brings this action under 42 U.S.C. §§ 1983 and 1985(3), to vindicate her rights guaranteed by the First, Fourth, and Fourteenth Amendments to the United States Constitution. A.R. also brings supplemental state-law claims. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343, and 1367.

8. Plaintiff seeks remedies under 28 U.S.C. §§ 1920, 2201, 2202 and 42 U.S.C. §§ 1983, 1985(3), and 1988.

9. Venue in this Court is proper pursuant to 28 U.S.C. § 1391.

III. PARTIES

A. Plaintiff

10. Plaintiff Shonta Jackson is an adult resident and citizen of Baton Rouge, Louisiana. She brings this action on behalf of her minor daughter A.R. Plaintiff Jackson is the mother and natural guardian of A.R.

11. Plaintiff A.R. is a minor resident and citizen of Baton Rouge, Louisiana. She was arrested on the evening of July 9, 2016, while protesting the killing of Alton Sterling by Baton

Rouge Police Department officers. Law enforcement officers detained A.R. on a charge of Disturbing the Peace pursuant to La. R.S. 14:103(A)(4) before later releasing her to her mother's custody. A.R. is represented in this action by her mother, Ms. Shonta Jackson.

B. Defendants.

12. Defendant City of Baton Rouge is a political subdivision of the State of Louisiana. The city's governing authority is consolidated with the government of East Baton Rouge Parish. For this reason, the consolidated government is referred to as "City/Parish" throughout this complaint.

13. Defendant East Baton Rouge Parish is a political subdivision of the State of Louisiana. The Parish's governing authority is consolidated with the government of the City of Baton Rouge. For this reason, the consolidated government is referred to as "City/Parish" throughout this complaint.

14. Defendant Melvin "Kip" Holden is an adult resident of the Middle District of Louisiana. Defendant Holden was, at all relevant times, the duly elected Mayor-President of the City/Parish. Defendant Holden was responsible for the supervision, administration, policies, practices, procedures, and customs for the City/Parish and the City's police department. He was responsible for the hiring, training, discipline, supervision, and control of the Baton Rouge Police Department ("BRPD") officers who are defendants herein, including Defendant Carl Dabadie. He is sued in his individual capacity and in his official capacity as former Mayor-President of the City/Parish.

15. Defendant Sid J. Gautreaux III is the Sheriff of East Baton Rouge Parish and is an adult resident of the Middle District of Louisiana. The office of Sheriff is an autonomous political subdivision of the State of Louisiana. Defendant Gautreaux was responsible for the

supervision, administration, policies, practices, procedures, and customs of the East Baton Rouge Sheriff's Office ("EBRSO"). He was responsible for the hiring, training, discipline, supervision, and control of the EBRSO command staff, supervisors, and deputies. He is sued in his individual and official capacities.

16. Defendant Carl Dabadie Jr. is an adult resident of the Middle District of Louisiana. He is the Chief of the Baton Rouge Police Department. Defendant Dabadie was and is responsible for the supervision, administration, policies, practices, customs, and procedures of the BRPD, as well as the hiring, training, supervision, discipline, and control of police personnel under his command, including the BRPD defendants named herein. He is sued in his individual and official capacities.

17. Defendant Col. Michael Edmonson is an adult resident of the Middle District of Louisiana. Defendant Edmonson was at all relevant times the Superintendent of the Louisiana State Police ("LSP"). Defendant Edmonson was responsible for the supervision, administration, policies, practices, customs, operations, training, staff, and operation of the LSP. He is sued in his individual capacity only.

18. Defendant AIX Group, doing business as NOVA Casualty Company ("NOVA") is a an insurance company that, on information and belief, provides insurance to the Louisiana Sheriff's Association and some of its members, including the East Baton Rouge Sheriff's Office. NOVA is domiciled in Connecticut. Its principal business establishment in Louisiana is in Baton Rouge. Defendant NOVA is a joint tortfeasor with all other defendants.

19. Defendant XYZ Insurance Company is an insurance company presently unknown to A.R. after diligent search and inquiry. XYZ Insurance Company may provide insurance and/or indemnification to individual employees of the Louisiana State Police.

20. Defendant UVW Insurance Company is an insurance company presently unknown to A.R. after diligent search and inquiry. UVW Insurance Company may provide insurance and/or indemnification to the City of Baton Rouge/Parish of East Baton Rouge and/or its employees. Defendant UVW Insurance Company is a joint tortfeasor with all other defendants.

21. Defendant Aaron W. Spelyng is an adult resident of Louisiana and a BRPD officer who participated in A.R.'s arrest and completed an offense report on the matter.

22. Defendant Jeremy Schiro is an adult resident of Louisiana and a BRPD officer who participated in A.R.'s arrest and acted as a reporting officer.

23. Defendant John Hart is an adult resident of Louisiana and a BRPD officer who participated in A.R.'s arrest, transported her to the Fourth District Precinct, and co-wrote the report of her arrest.

24. Defendant Bryan Thompson is an adult resident of Louisiana and a BRPD officer who participated in A.R.'s arrest and co-wrote the report of her arrest.

25. Defendant Joshua Ellis is an adult resident of Louisiana, a BRPD officer, and member of the Special Response Team ("SRT") who participated in A.R.'s arrest and acted as investigator of her arrest.

26. Defendant Christopher McClure is an adult resident of Louisiana and a BRPD officer who participated in A.R.'s arrest and acted as a reporting officer of her arrest.

27. Defendant Evelyn Dunn is an adult resident of Louisiana and a BRPD officer who participated in A.R.'s arrest.

28. Defendant Jacob Butler is an adult resident of Louisiana and BRPD officer who participated in A.R.'s arrest.

29. Defendant Robert Devore is an adult resident of Louisiana and a BRPD officer who approved one of the incident reports for A.R.'s arrest.

30. Defendant Michael McCleary is an adult resident of Louisiana and a BRPD officer who approved one of the incident reports for A.R.'s arrest.

31. Defendant Jeffery Williams is an adult resident of Louisiana, a BRPD officer, and a member of the SRT who approved one of the incident reports for A.R.'s arrest.

32. The following Defendants are adult residents of Louisiana and BRPD officers who were assigned to the SRT on the night of A.R.'s arrest: Richard Arnett, Paul Brown, David Burtwell, James Crisler, Myron Daniels, Shawn Delaney, Brett Delcambre, Kyle Keller, Dustin McGinnis, Thomas Morse Jr., Robert J. Moruzzi, Brian O. Norris, Adam K. Rhodes, Charles E. Robinson, Jeremy Stanley, Christopher Taylor, Jerry Walker, and John Windham. On information and belief, these SRT officers aided and supported A.R.'s arrest. Some or all of these Defendants targeted their weapons at A.R. and her fellow protesters, putting A.R. in fear for life.

33. Each of the Defendants named in ¶¶ 21–32 above is a joint tortfeasor under Louisiana Civil Code article 2324 with all other Defendants except the City/Parish, Holden, and Dabadie.

34. Defendants Officer Does 1–50 are persons presently unknown to A.R. after diligent search and inquiry. Officer Does 1–50 serve as Officers of the BRPD and were involved in the suppression of dissent through the use of excessive force, intimidation, and illegal arrest of protesters in Baton Rouge on July 8–10, 2016.

35. Each Defendant Doe is a joint tortfeasor under Louisiana Civil Code article 2324 with all other Defendants except the City/Parish, Holden and Dabadie.

36. Defendants Deputy Roes 1–50 are persons presently unknown to A.R. after diligent search and inquiry. Deputy Roes 1–50 serve as Deputies of the East Baton Rouge Parish Sheriff’s Office and were involved in the suppression of dissent through the use of excessive force, intimidation, and illegal arrest of protesters in Baton Rouge on July 8–10, 2016. Defendant Deputy Roes 1–50 are joint tortfeasors with all other defendants.

37. Each Defendant Roe is a joint tortfeasor under Louisiana Civil Code article 2324 with all other Defendants except Defendant Gautreaux.

38. Defendants Trooper Moes 1–50 are persons presently unknown to A.R. after diligent search and inquiry. Trooper Moes 1–50 serve as Troopers of the Louisiana State Police and were involved in the suppression of dissent through the use of excessive force, intimidation, and illegal arrest of protesters in Baton Rouge on July 8–10, 2016.

39. Each Trooper Moe 1–50 is a joint tortfeasor under Louisiana Civil Code article 2324 with all other Defendants.

40. All Defendants named and unnamed in this complaint acted under color of state law at all relevant times.

IV. FACTUAL ALLEGATIONS¹

A. The Custom and Practice of Racist Policing in Baton Rouge.

41. Long before Alton Sterling’s murder and the ensuing protests in July 2016, relations between Baton Rouge’s law enforcement agencies and the Baton Rouge community had badly deteriorated. Law enforcement relations with the Black community of Baton Rouge have been marked by episodes of tension and violence for generations.

¹ Plaintiff makes the allegations in this Complaint based on personal knowledge as to matters in which she has personal involvement and on information and belief as to all other matters.

1. BRPD's History of Police Misconduct.

42. As members of the Baton Rouge community, the United States Department of Justice, and others have noted for decades, the City/Parish has long failed to hire a proportionate number of Black officers to the BRPD. The failure of the City/Parish to hire a proportionate number of Black officers, and Black Baton Rouge residents in particular, has created a police force that is separated from the community it seeks to protect. Since 1980, the City of Baton Rouge has been under a consent decree with the Department of Justice intended to remedy racially discriminatory hiring practices of a class of Louisiana police and fire departments, including the BRPD. While nearly thirty municipal defendants in that case have reached compliance with the consent decree and been dismissed from the case, only the City of Baton Rouge and one other municipality have not reached compliance—nearly four decades after the consent decree took effect.

43. According to the 2010 U.S. Census, the City of Baton Rouge is 54.5% Black and 39.4% White. However, the BRPD is 30% Black and 67% White. Moreover, nearly half of all BRPD officers live outside of East Baton Rouge Parish, and only one-fifth (1/5) live within the City of Baton Rouge.

44. Discriminatory practices by the BRPD have long extended beyond the Department's employment practices into BRPD's interactions with the community. In September of 2005, the population of Baton Rouge swelled as many residents of New Orleans, a majority Black city, sought refuge from Hurricane Katrina and the resultant flood. The Michigan State Police and New Mexico State Police both sent troopers to assist the BRPD in policing the city's rapidly growing population.

45. Within three days of the troopers' arrival, both state police agencies had ordered their troopers to cease operations with BRPD after the troopers witnessed and complained of egregious misconduct and potentially criminal actions by BRPD officers. A spokeswoman for the Michigan State Police told a reporter that "troopers observed Baton Rouge police officers engage in actions that were an affront to their sense of dignity and respect."

46. Members of both the Michigan State Police and the New Mexico State Police shared observations and concerns that were compiled in a formal letter of complaint to the BRPD. One trooper reported that "I personally believe that most of the Baton Rouge Police Department are good officers that are being directed by their supervisors to crack down on the public."

47. Examples of Baton Rouge police officers' antagonism toward Black people as alleged by the out-of-state troopers included multiple instances of excessive force against Black people, including minors, through the use of Tasing, hitting, choking, and pepper spraying of residents, without warning or threat to the safety of officers or civilians; searches of Black individuals and their vehicles without reasonable suspicion or probable cause; and possibly falsifying information against Black individuals in police reports.

48. In an attempt to support officers of the BRPD in the face of the allegations of racial animus and racially discriminatory policing in September 2005, Defendant Mayor Holden publicly stated, "If there's a blame to be placed on aggressive enforcement, blame it on me." This statement by Defendant Mayor Holden ratified and condoned the unconstitutional actions and inactions of the BRPD officers.

49. BRPD, under the direction of Defendant Holden and predecessors in office of Defendant Dabadie, also resisted efforts of media and public interest advocates to gain

information regarding these post-Katrina abuses, as part of an ongoing effort to cover up and conceal race-based officer misconduct, and to promote the police code of silence.

50. As part of the effort to cover up and conceal allegations of race-based officer misconduct and to promote the police code of silence, the City/Parish and the BRPD actively resisted public records requests and a Public Records Law enforcement action filed by The Advocate newspaper seeking access to the Internal Affairs Division investigative report in 2006. Defendant Dabadie's predecessor in office authorized a meritless suit to delay and thereby shield investigation records from public view, while imposing high costs on the newspaper.

51. In addition to repeated allegations of excessive force and unconstitutional arrests, both before and after the out-of-state troopers' complaints, it has been reported that BRPD officers disproportionately arrest Black residents of Baton Rouge on drug charges. A 2017 report by Together Baton Rouge, a coalition comprised of churches and community-based organizations, studied publicly available arrest data for the years 2011–16. The report concluded that while rates of drug use are similar in every ZIP code in Baton Rouge, residents of the poorest ZIP codes, whose populations tend to be overwhelmingly Black, are arrested at grossly disproportionate rates. The study classified four ZIP codes, all in North Baton Rouge, the majority-Black section of the city, as "high enforcement areas" and noted that they were "90% black, twice as poor, use drugs slightly less frequently and have five times as many arrests for drug possession" as low-enforcement, majority-White ZIP codes. (Emphasis in original.)

52. In 2011, then-BRPD Chief Dewayne White publicly stated that ten percent of the department's officers failed to exercise basic levels of professionalism, and that "it's become so ingrained" in the minds of some officers that they "believe that everybody they come across or most people they come across with that color of skin is probably a criminal." Chief White

described the impact that racially discriminatory policing has on the community: “When the question is raised with an African-American congregation or a constituency, whether they trust the Police Department, no one raises their hand. That, in itself, is indicative of a problem, and we have got to win the trust of that community.”

53. Defendant Mayor Holden fired Chief White in 2013. White and his attorney have alleged that Holden micromanaged BRPD during Chief White’s tenure. White and his attorney have further alleged that a month prior to his firing, Holden verbally ordered White to discuss all personnel and disciplinary matters with the Mayor’s Office prior to taking any action. This order constituted a temporary change in policy specific to the brief remainder of Chief White’s tenure, as, on information and belief, the Chief of the BRPD retains authority over hiring and firing decisions without the need for approval by the Mayor, except for this specific instance in which Holden attempted to circumvent Chief White’s authority.

54. Defendant Dabadie was hired in the wake of Chief White’s dismissal. Holden, Dabadie and the City/Parish maintained the pattern and practice of ratifying, permitting, and encouraging racist policing in BRPD by, inter alia, (a) denying the prevalence of racist attitudes among White BRPD officers; (b) refusing to investigate the prevalence of such attitudes; and (c) forcing citizens to seek court orders under the Public Records Law—through costly and protracted litigation—before disclosing of the results of investigations into racism in BRPD.

55. The racial animus decried by former Chief White was later laid bare by the publication in September 2014 of a series of racist text messages sent by a BRPD officer to a civilian. In the messages, the officer, a fifteen-year veteran of the Department, referred both to Black colleagues and civilians with racial epithets, and stated, inter alia, “I wish someone would

pull a Ferguson on them and take them out. I hate looking at those African monkeys at work . . . I enjoy arresting those thugs with their saggy pants.”

56. The officer was placed on administrative leave by BRPD and resigned before any disciplinary action was taken against him by the Department. On information and belief, no action was taken by Holden, Dabadie or the City/Parish to determine the extent of similar racist attitudes among other BRPD officers. Defendant Dabadie stated publicly that there was no need to do so, because the issue was confined to the lone officer.

57. The response of Defendants Holden, Dabadie and the City/Parish to the racist text messages betrayed a strategy to cover up the prevalence of racist attitudes among White BRPD officers. Alternatively, the response of Defendants Holden, Dabadie and the City/Parish amounted to conscious disregard of the prevalence of racist attitudes among White BRPD officers.

58. In addition to racially discriminatory policing, the BRPD, under the direction of Defendants Holden and Dabadie, implements a policy, practice or custom of using excessive force against arrestees.

59. In addition to widespread protest and advocacy stemming from the shooting death of Alton Sterling, multiple lawsuits in recent years have sought to hold BRPD accountable for its policy, practice or custom of excessive uses of force, including: (a) the 2007 arrest of Brian Townsend on a complaint of “loud music” with pepper spray and force that caused the rupture of Townsend’s bladder; (b) the violent 2008 arrest of Jon Leigh Shoulders for smoking marijuana, which resulted in Shoulders’ skull being fractured and caused internal bleeding and permanent brain damage; (c) the 2011 killing of Carlos Harris, who was shot to death by an officer after Harris crashed a car that he’d been ordered by the officer to remove from the scene of a crime—

despite Harris's informing the officer that he was intoxicated; (d) a 2014 incident in which BRPD officers strip-searched Brett Percle, a visitor to a home that was being searched by the officers, then kicked Percle with such force that his head slammed into the floor, knocking several teeth out of his mouth; (e) a 2015 incident in which a reporter and a producer for local media outlet WBRZ were handcuffed, and one arrested, for taking pictures of an arrest; and (f) a 2016 incident in which Ja'Colby Davis, then sixteen years old, was held down by multiple officers while one officer repeatedly punched him in the head.

60. In recent years, suits against the City/Parish for BRPD's excessive uses of force and unconstitutional arrests have resulted in sizeable yearly settlements by the Parish Attorney. For example, the City/Parish paid \$372,434 to settle such cases in 2015, \$581,286 in 2014, and \$437,112 in 2011.

61. BRPD has not addressed the problems of racial profiling and overt racial animus by members of the BRPD, despite ample evidence of such racial profiling and animus. Instead, the BRPD, Chief Dabadie and Mayor Holden chose to consciously disregard and cover up the prevalence of racist attitudes among BRPD officers.

2. EBRSO's History of Police Misconduct.

62. Similar to BRPD, the East Baton Rouge Sheriff's Office has its own history of allegations of excessive force, unconstitutional arrest, retaliation, and intimidation that have been leveled against EBRSO and Defendant Gautreaux since Gautreaux's election as Sheriff in 2007, including multiple instances of excessive force involving the use of firearms, Tasers, pepper spray, and punching and kicking of arrestees. These allegations include: the 1992 shooting death of Chauncey Thomas, an unarmed Black 15-year-old, by a Sheriff's deputy; the 2005 shooting death of Gerry Stampley, a Black man, by EBRSO deputies and the retaliatory demotion,

transfer, intimidation, and disparagement of a Black EBRSO homicide detective who questioned whether the shooting was justified; the 2007 illegal stop of Joseph Davis, a Black motorist, in which EBRSO deputies allegedly choked, handcuffed, Tased, pepper sprayed, and kicked Davis in the head and face without any legal justification, causing him to lose consciousness; and the allegedly unjustified Tasing and unlawful arrest of Aaron Martinez while an EBRSO deputy responded to a complaint of trash-burning involving Martinez's neighbor in 2010.

3. LSP's History of Police Misconduct.

63. During Defendant Edmonson's tenure, the Louisiana State Police have also exhibited excessive force and unconstitutional arrests targeted at Black residents. While LSP does not typically patrol municipalities, a pattern of unconstitutional excessive force and illegal arrest has rapidly emerged in the time that Defendant Edmonson has directed LSP in the provision of policing services in municipalities.

64. Lawsuits and public allegations against the LSP since early 2013 allege that members of LSP, under the direction of Defendant Edmonson, have: (a) physically and verbally abused two Black teenagers without provocation or lawful justification, desisting only when a mother of one of the teens, who is also a New Orleans Police officer, arrived and intervened; (b) pulled over, shoved to the ground, kicked, and threatened with firearms internationally renowned musician Shamarr Allen while searching for a Black drug dealer — apparently based solely on Allen's race; and (c) manhandled, Tased, and verbally and physically assaulted Michael Baugh, a Black barber, causing significant injury, apparently based on his being of the same race as four suspects (Baugh matched no other part of the suspects' description).

65. Defendant Edmonson chose not to order a thorough investigation into these practices when they came to light; his inaction condones the falsification of information and the

intimidation of witnesses to LSP troopers' unconstitutional conduct. The LSP internal investigation into the LSP attack on the teenagers concluded that all of the troopers involved in the incident had acted appropriately, a conclusion that both the Mayor of New Orleans and the Superintendent of the New Orleans Police Department publicly criticized based on publicly available video of the incident. According to news reports, LSP went on to file a disciplinary complaint with the NOPD against the mother of one of the teens for intervening on behalf of her son and his friend. On information and belief, Defendant Edmonson personally wrote a letter to the Superintendent of the NOPD requesting an investigation into the mother's actions.

66. As described in the preceding paragraphs, the City/Parish, BRPD, EBRSO, and Defendants Holden, Dabadie, Gautreaux, and Edmonson engaged in a continuing pattern, custom, and practice of the use of excessive force and illegal arrests targeting Black residents. Similarly, these actors engaged in a pattern, custom, and practice of retaliatory intimidation, threats, and disciplinary and legal consequences against critics. These related patterns, customs, and practices were the moving force for the Defendants' unconstitutional treatment of A.R. and other protesters in July of 2016.

B. Baton Rouge Area Residents Protest Police Violence after the Killing of Alton Sterling by the BRPD.

67. The killing of Alton Sterling was documented on video, which showed Mr. Sterling being forcibly restrained on the ground and then shot. Mr. Sterling's death provoked local, national, and international outrage.

68. By the evening of July 6, 2016, Baton Rouge residents, a vast majority of whom were Black, gathered for what became daily and nightly vigils and peaceful protests at various locations throughout the city.

69. Between July 6 and 10, 2016, thousands of people protested throughout Baton Rouge. Some paid their respects in front of the Triple S Food Mart where Mr. Sterling was killed. Others marched to and from the State Capitol. Many protested on a sizeable grassy lot adjacent to the intersection of Airline Highway and Goodwood Boulevard in Baton Rouge, across the street from the headquarters of the BRPD. Protesters chanted and held signs. Some of the protesters' chants and signs were specific to Mr. Sterling; others decried the history and pattern of brutal and racialized policing in Baton Rouge, of which Mr. Sterling's killing was the latest, particularly egregious example.

70. The majority of these protesters were Black residents of Baton Rouge and the surrounding parishes. Many of them chose to protest because of their personal experiences or the experiences of their loved ones with law enforcement, and particularly members of the BRPD and EBRSO, which left them hurt or afraid. National television and internet audiences closely followed the protests and Defendants' response to the protests.

C. Defendants' Planned and Coordinated Effort to Suppress Dissent Through Unconstitutional Law Enforcement in July 2016.

71. In response to the protests and the national spotlight on protesters' nonviolent, lawful resistance, Defendants, led by Defendants Holden, Dabadie, Edmonson, and Gautreaux developed and implemented a strategy, motivated by racial animus, to silence this peaceful and lawful exercise of First Amendment rights. Defendants colluded to accomplish this through the use of intimidation, excessive force, illegal arrests, illegal detention, denigration, and criminalization. The Livingston Parish Sheriff's Office, the Ascension Parish Sheriff's Office (both members of the Emergency Task Force of the Louisiana Sheriff's Association), and other law enforcement agencies currently unknown joined Defendants in this endeavor.

72. In multiple policy-making venues before and during the time in which they arrested and detained A.R., Defendants reached agreement on their coordinated response to peaceful protests. The entities that facilitated Defendants' collusion included but were not limited to: the Governor's Office of Homeland Security and Emergency Preparedness ("GOHSEP"), the Mayor's Office of Homeland Security and Preparedness ("MOHSEP"), and the Louisiana Sheriffs' Association ("LSA").

73. Defendants Holden, Dabadie, Edmonson, Gautreaux, Does, Moes, Roes, or their agents, along with other high ranking members of other law enforcement entities, gathered at GOHSEP on several occasions between July 6 and 10, 2016, in order to formulate and implement their agreement to suppress the protests.

74. Defendant Holden implemented the City/Parish's Emergency Operations Plan ("EOP") through MOHSEP. Under the terms of the EOP and BRPD's and EBRSO's internal policies, Defendants Holden, Gautreaux, Dabadie, Does, Roes, Moes, and their agents coordinated law enforcement response to emergencies, which are defined to include "civil disturbances."

75. Defendant Gautreaux was the president of the LSA during the protests. Gautreaux, acting in part through the LSA's Emergency Task Force and Homeland Security services, arranged for the presence of approximately 200 additional deputies from surrounding sheriffs' offices to supplement local law enforcement's response to the protests.

76. Pursuant to the Defendants' plan, numerous law enforcement agencies contributed personnel and resources to create a massive police presence to confront those engaging in peaceful protest and to suppress the rights of Black citizens and residents of Baton Rouge to petition the government for redress of grievances.

77. Defendants' coordinated plan sought to: (a) create an intimidating law enforcement response that was militarized, in furtherance of which police personnel wore and used riot gear and carried rifles, shields, and/or batons while confronting the protesters; (b) effectuate the maximum number of arrests of innocent protesters, so as to send a message to Black citizens and residents of Baton Rouge that dissent would not be tolerated; (c) target certain protesters for arrest, based on these protesters' supposed group affiliations (in particular, affiliation with Black political and social organizations) and/or Defendants' belief that they were "leaders" of the spontaneous protests; (d) book protesters en masse on false criminal charges and to maximize the time those arrested spent in custody as punishment for defying law enforcement; (e) ensure officers used excessive physical force to effectuate these illegal arrests; (f) insulate individual officers from accountability, criticism or consequence for their role in Defendants' scheme by encouraging and/or allowing officers to cover the names and badge numbers on their uniforms with opaque tape and to refuse to give their names or badge numbers when asked directly by civilians; and (g) discourage individuals from protesting in the future through a display of militarized police violence and intimidation.

78. Between July 6 and 10, 2016, Baton Rouge area law enforcement officers and their agents, including BRPD, EBRSO, LSP, and deputy sheriffs of surrounding parishes, including but not limited to the currently unknown Officer Does, Deputy Roes and Trooper Moes, put this plan into action. In furtherance of the above objectives, Defendants unlawfully arrested approximately 200 protesters as they engaged in peaceful protest protected by the First Amendment. A.R. was among those arrested.

D. The Unconstitutional Arrest and Confinement of A.R.

79. In the days following the death of Alton Sterling, then-16-year-old A.R. participated in several peaceful demonstrations in Baton Rouge, Louisiana, to protest the killing of Mr. Sterling.

80. On July 9, 2016, A.R. joined such a demonstration at the Triple S Food Mart in Baton Rouge. A.R. had already participated in two other peaceful protests in the days since Alton Sterling's killing.

81. While at the Triple S demonstration on July 9, A.R. learned that a group of protesters planned a separate protest that night outside of the home of Defendant Holden. She decided to participate in that protest.

82. A.R. arrived at the 200 block of Rivercrest Ave. at about 9:30 p.m. She joined a group of 10 other peaceful protesters standing on the sidewalk across the street from Defendant Holden's home.

83. A.R. carried a poster upon which she'd written, "Stop the killing."

84. A.R. and her fellow protesters intermittently chanted, "No justice, no peace. No racist police."

85. Neither A.R. nor her fellow protesters used a bullhorn, loudspeaker, public address system, or other form of amplification during this protest.

86. A.R. made no threats of violence against Defendant Holden or any other person during this protest.

87. A.R. did not incite or encourage illegal conduct through her speech.

88. Neither A.R. nor her fellow protesters engaged in violent or tumultuous conduct during their protest or their subsequent arrests by police.

89. A.R. was not armed nor were any of her fellow protesters.

90. The homeowner in front of whose property A.R. was standing opened her door and spoke to the protesters, offering them water. She invited them onto her lawn and driveway, conversing with the protesters for a time.

91. At around 10:00 or 10:30 p.m., law enforcement officers, including Defendants Spelyng, Schiro, Hart, Thompson, Ellis, McClure, Dunn, and Butler arrived at the 200 block of Rivercrest Avenue. Multiple cruisers blocked off the street at both ends.

92. Defendants Spelyng, Schiro, Hart, Thompson, Ellis, McClure, Dunn, Butler, and unknown Defendants Does and/or Roes stretched caution tape from the sidewalk in front of Holden's home to the sidewalk on the opposite side of the street, effectively blocking the street in front of Holden's home. On information and belief, Defendants listed in ¶¶ 21–39 were dispatched to the 200 block of Rivercrest Avenue at the specific direction of Defendants Holden, Dabadie, Gautreaux, and/or Edmonson.

93. Two militarized transport vehicles arrived on the scene, one from each end of the street, carrying 30–40 heavily armed law enforcement officers, including BRPD SRT members Richard Arnett, Paul Brown, David Burtwell, James Crisler, Myron Daniels, Shawn Delaney, Brett Delcambre, Josh Ellis, Kyle Keller, Dustin McGinnis, Thomas Morse Jr., Robert J. Moruzzi, Brian O. Norris, Adam K. Rhodes, Charles E. Robinson, Jeremy Stanley, Christopher Taylor, Jerry Walker, and John Windham. These SRT officers and unknown Does, Roes and Moes were dressed in riot gear and carried shields and rifles. After exiting their transport vehicles, these law enforcement officers entered onto Holden's property, forming a cordon around his home. Some of the officers made their way onto the mayor's roof. Uniformed patrol officers stretched caution tape from the sidewalk in front of Holden's home to the sidewalk on the opposite side of the street, effectively blocking the street in front of Holden's home.

94. None of the Defendants informed A.R. that her exercise of free speech violated the law or disturbed residents of the neighborhood.

95. On information and belief, the Defendants present at the 200 block of Rivercrest Avenue received authorization or direction from Defendants Holden, Dabadie, Gautreaux, and/or Edmonson to break up the protest in front of Holden's home by arresting the protesters.

96. About fifteen minutes after the arrival of the Defendants, including the Does, Roes, and Moes, several Defendants, including but not limited to Defendants Spelyng, Schiro, Hart, Thompson, Ellis, McClure, Dunn, and Butler approached A.R. and, without providing any justification or reason, ordered her and the other protesters to get on the ground. A.R. and the rest of the protesters complied, lying down on the front lawn of the home across the street from Defendant Holden's home.

97. As she was lying on the lawn across the street from Defendant Holden's home, A.R. noticed that many of the Defendant Does, Roes and Moes surrounding Holden's home and standing on the roof were training their rifles on her and the other unarmed and prone protesters.

98. A.R. was distressed to see officers pointing rifles at her, particularly since she had been protesting the shooting of a Black person by a BRPD officer. The fact of Alton Sterling's shooting by a law enforcement officer caused A.R. the justified fear that these officers could open fire on her and her fellow Black protesters for doing nothing wrong and posing no threat to law enforcement.

99. One of the Officer Does bound A.R.'s hands with disposable plastic restraints. A.R. began to cry in fear of being brought to a detention center. She had heard stories of the violence and poor conditions of confinement in both East Baton Rouge Parish Prison and the Juvenile Detention Facility.

100. Two of the Officer Does then picked A.R. up by her arms and moved her across the street to the sidewalk near Defendant Holden's home. The officers instructed A.R. to lay face-down on the sidewalk.

101. As A.R. was escorted across the street, she noticed that the Defendants listed in ¶ 35, Does, Roes, and Moes surrounding the Mayor's house and on his roof continued to point their rifles at A.R. and the other protesters.

102. After lying on the sidewalk for about twenty minutes, A.R. was escorted to a BRPD cruiser. Some of the Officer Does, including but not limited to Defendant Hart then transported A.R. to the BRPD's Fourth District Precinct.

103. While being transported to the Fourth District Precinct, A.R. asked the Officer Does why she had not been read her Miranda rights at any point during her arrest. The Officer Does responded by telling her to be quiet.

104. Upon arrival at the Fourth District Precinct, some of the Officer Does informed A.R. that her mother was being called to pick her up from the precinct but, if her mother did not arrive within an hour, A.R. would be transported to a detention center. This caused A.R. further distress and anxiety.

105. A.R.'s mother, Plaintiff Jackson, arrived at the precinct shortly after midnight, completed some paperwork informing her that A.R. had been charged with "Disturbing the Peace," and brought A.R. home.

106. The arresting officers charged A.R. with violating La. R.S. § 14:103(A)(4), which prohibits, "in a manner that would foreseeably disturb the public Engaging in any act in a violent and tumultuous manner by any three or more persons." A.R.'s arrest reports specify that she was arrested for "Disturbing the Peace Tumultuous Manner."

107. Because of her arrest on July 9, 2016, A.R. is too frightened to consider engaging in other protests or demonstration. She continues to suffer pain in the form of ongoing stress, depression, and anxiety. Her sense of security has been shaken.

E. The Policies and Practices of Defendants City/Parish, Holden, Dabadie, and Gautreaux Were a Moving Force of the Violations of A.R.'s Constitutional Rights.

108. The policies and practices of the EBRSO, BRPD, and Defendants City/Parish, Holden, Dabadie, and Gautreaux were a moving force behind and a contributing cause of the constitutional violations that A.R. suffered.

109. The BRPD, EBRSO and Defendants City/Parish, Holden, Dabadie, and Gautreaux employed the following well-settled, inter-related de facto and explicit policies and practices to violate A.R.'s First, Fourth, and Fourteenth Amendment rights:

- a. racially discriminatory policing, including the targeting of Black citizens with excessive force and unconstitutional arrest and disparate treatment of citizens based on race in matters other than arrest;
- b. the criminalizing and shaming of individuals who criticize law enforcement;
- c. the control, frustration, and termination of organized protest and dissent through the targeting for arrest, detention, abuse, and denigration of perceived protest "leaders" and, in particular, individuals who criticize the police;
- d. failing to create and implement clear, understandable policies for the benefit of sworn police personnel regarding how to respond constitutionally to mass demonstrations and spontaneous protest;

- e. failing to create and implement clear, understandable policies for the benefit of sworn police personnel regarding the importance of protecting and respecting the exercise of First Amendment rights through assembly and protest;
- f. failing to train sworn personnel on the importance of protecting and respecting the exercise of First Amendment rights through assembly and protest;
- g. failing to supervise personnel to ensure that personnel execute their duties in a constitutional manner and without violating the rights of protesting individuals under the U.S. Constitution, the Constitution of Louisiana, and statutory law;
- h. failing to sufficiently distinguish in written policies regarding “Special Events” and “Civil Disorder” between unlawful “civil disorder” or “riot,” on the one hand, and the exercise of the constitutionally protected right of free speech, regardless of compliance with burdensome permitting processes, on the other hand;
- i. the use of riot gear—i.e., military armaments—such as shields, helmets with facemasks, body armor, batons, rifles, and military vehicles without just cause and in order to frighten and intimidate those who wish to peacefully assemble to voice their concerns on issues of public importance, thereby creating an atmosphere of tension;
- j. failing to discipline sworn personnel who use excessive force, engage in racist policing, prepare false reports, falsely arrest citizens, and/or violate First Amendment rights, thereby creating a culture of impunity in which officers who commit such misconduct learn that they will suffer no adverse consequences;
- k. tacitly approving and supporting a police code of silence, whereby officers are expected to protect and shield other officers who are accused of misconduct, such

as excessive force, racist policing, preparation of false reports, false arrest of citizens, and/or violations of First and Fourth Amendment rights and other constitutional and statutory rights;

- l. allowing a widespread practice of excessive force, directed particularly at Black citizens and residents, to continue unabated, despite notice of the pattern and the full knowledge of policymakers;
- m. failing to create and implement policies and failing to train sworn personnel regarding how to identify the crime of Disturbing the Peace and apply the statute in a manner that respects the First Amendment rights of Black citizens and residents of Baton Rouge;
- n. failing to create and implement a “street closure” permitting process to enable those who wish to engage in demonstrations on matters of immediate public importance to obtain a permit on an emergency basis—i.e., with waiver of the 45 day notice requirement;
- o. imposing onerous financial conditions on those who seek to engage in protest—e.g., requiring proof of \$1 million in liability insurance coverage and a receipt for rental of barricades.

110. The individual Defendants named in ¶¶ 21–32, including the currently unknown Officer Does, Deputy Roes and Trooper Moes, acting on the instructions and with the approval of Defendants Holden, Dabadie, Gautreaux, and Edmonson arrested A.R. pursuant to one or more of the policies listed in the preceding paragraph.

111. At all pertinent times herein, Defendants Holden, Dabadie, and Gautreaux knew or should have known that the policies, procedures, practices, customs, and usages they

established for the City/Parish, BRPD, and EBRSO would result in violations of constitutional rights. These defendants ignored that risk and acted unreasonably, intentionally, and with knowing disregard for A.R.'s constitutional rights as described above.

112. The policies and practices set by Defendants Holden, Dabadie, and Gautreaux for the City/Parish, BRPD, and EBRSO as listed in ¶ 109 above were implemented and applied intentionally with knowing disregard for A.R.'s rights.

113. The policies and practices of Defendants Holden, Dabadie, Gautreaux for the City/Parish, BRPD, and EBRSO listed in ¶ 109 were implemented by Defendants, working in concert and motivated by racial animus, to suppress the right of Black citizens and residents of Baton Rouge to petition the government for redress of grievances.

F. Damages

114. A.R. has been damaged as a result of Defendants' actions alleged herein. A.R. has suffered physical pain, emotional distress, and anguish as a result of being arrested, detained, and imprisoned solely for exercising her right to lawful protest under the First Amendment.

115. A.R. suffered shame, humiliation, embarrassment, and terror from being forced to the ground, forced to lie prone on the ground with guns pointed at her, handcuffed, imprisoned, and treated as a criminal in front of community members and loved ones.

116. A.R., a minor, was deprived of the care and support of her mother Shonta Jackson, while she was unlawfully incarcerated on Defendants' false charges. As a juvenile, she has suffered in particular from emotional distress as a result of Defendants' brutal police tactics.

117. A.R. continues to suffer deep psychological pain as a result of Defendants' actions.

118. A.R. remains fearful of law enforcement and of being subjected to random acts of state-condoned violence in the future, either during lawful protests or solely by virtue of being a member of Baton Rouge's Black community, due to Defendants' on-going racist policing policies.

V. CLAIMS

Defendants' Joint and Several Liability on All Claims

119. A.R. incorporates the factual allegations of the preceding paragraphs.

120. For Counts One through Fifteen alleged below, all Defendants in each count are liable jointly and severally, or in solido for A.R.'s injuries.

121. First, each of the individual Defendants, acting in concert with one another and other yet-unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means; among other things, to unlawfully detain, arrest, and imprison the A.R. for the purpose of silencing dissent against police practices. Each of the Defendants committed specific overt acts in support of this conspiracy. Each Defendant is therefore liable for all actions of any other Defendant taken in furtherance of the conspiracy.

122. For the reasons set forth in Paragraph 121 above, each Defendant is a joint tortfeasor with all other Defendants (except as otherwise specified) under Louisiana Civil Code art. 2324.

123. Second, the actions of individual Defendants who are BRPD officers or EBRSO deputies were taken in the course and scope of their employment. For Counts Ten through Fifteen, which arise under Louisiana law, Defendants City/Parish and Sheriff Gautreaux are vicariously liable for actions of their employees, agents, and co-conspirators.

124. Third, A.R. brings Counts One through Fifteen directly against Defendant insurers Nova, XYZ, and UVW for the actions of their respective insureds in accordance with Louisiana's direct action statute.

COUNT ONE

42 U.S.C. § 1983 CLAIM FOR CIVIL CONSPIRACY TO VIOLATE A.R.'S CIVIL RIGHTS (ALL DEFENDANTS)

125. A.R. incorporates the factual allegations of the preceding paragraphs.

126. Each of the individual Defendants, acting in concert with one another and other yet-unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means.

127. Each of the individual Defendants took concrete steps to enter into an agreement in July 2016 to unlawfully detain, arrest, and imprison protesters like A. R., knowing they lacked probable cause to do so, and for the purpose of impeding A.R. from exercising her First Amendment rights to protest by engaging in non-disruptive speech in support of an issue of pressing public importance.

128. In furtherance of this conspiracy, each of the Defendants committed specific overt acts, misusing their police powers for the purpose of unlawfully silencing A.R. They accomplished this goal by giving orders to arrest protesters (including A.R.), using excessive force to unlawfully effect A. R.'s arrest, fabricating evidence against A.R., and approving trumped up charges against her, which resulted in her unlawful imprisonment.

129. Additionally, whether or not involved in the actual arrest of A.R., the individual Defendants, by their presence in the 200 block of Rivercrest Avenue, or supporting Defendants and co-conspirators, implemented the conspiracy by providing support, assistance, and

encouragement to those Defendants who actually performed, processed or otherwise participated in A.R.'s arrest.

130. In the implementation of the conspiracy, the officers, deputies and troopers of each of the law enforcement agencies led by Defendants Holden, Dabadie, Gautreaux and Edmonson employed the customs, usages and policies of racially discriminatory policing set forth above in ¶¶ 41–78 and 108–13.

131. As a direct and proximate result of Defendants' conspiracy, A.R. suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and legal expenses, as set forth more fully above.

132. Each individual Defendant is therefore liable for the violation of A.R.'s rights by any other individual Defendant.

COUNT TWO

42 U.S.C. 1985(3) CLAIM FOR RACIALLY-MOTIVATED CIVIL CONSPIRACY TO DENY BLACK CITIZENS AND RESIDENTS THE EQUAL PROTECTION OF THE LAWS AND EQUAL PRIVILEGES AND IMMUNITIES UNDER THE LAW, INCLUDING THE RIGHT TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES (ALL DEFENDANTS)

133. A.R. incorporates the factual allegations of the preceding paragraphs.

134. Each of the Defendants, acting with one another and other yet-unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means, as described in Count One, above.

135. The purpose of this conspiracy was to deprive of equal protection of the laws, as guaranteed to them by Fourteenth Amendment, those Black citizens and residents who engaged in protest and to deny them the privileges and immunities of liberty and the right to petition the

government for the redress of grievances guaranteed by the First, Fourth, and Fourteenth Amendments.

136. Defendants conspired with racial animus toward A.R. and other Black citizens and residents of Baton Rouge who were protesting the shooting death of Alton Sterling, a Black man, at the hands of BRPD. The conspiratorial agreement was effectuated as part of a long-standing pattern of racially discriminatory and racially targeted policing in the Baton Rouge area.

137. As a direct and proximate result of Defendants' racially motivated conspiracy, A.R. suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and legal expenses, as set forth more fully above.

138. Each individual Defendant is therefore liable for the violation of A.R.'s rights by any other individual Defendant.

COUNT THREE

42 U.S.C. § 1983 CLAIMS FOR FALSE DETENTION AND ARREST IN VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS (ALL DEFENDANTS)

139. A.R. incorporates the factual allegations of the preceding paragraphs.

140. The actions by Defendants in falsely detaining, arresting, and imprisoning A.R. without reasonable suspicion or probable cause violated A.R.'s Fourth Amendment rights to be free from unreasonable search and seizure, pursuant to 42 U.S.C. § 1983.

141. The actions of Defendants were the direct and proximate cause of the violations of A. R.'s Fourth Amendment rights, bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and legal expenses, as set forth more fully above.

COUNT FOUR

42 U.S.C. § 1983 CLAIMS FOR EXCESSIVE USE OF FORCE (ALL DEFENDANTS)

142. A.R. incorporates the factual allegations of the preceding paragraphs.

143. Defendants employed excessive and unreasonable force, or caused excessive and unreasonable force to be employed, in arresting A.R., including (a) ordering her on the ground; (b) pointing multiple guns at her while prone on the ground, especially given that no firearms were found on any of the protesters; (c) restraining her wrists with plastic handcuffs; (d) and other uses of excessive force for the arrest of an unarmed sixteen-year old engaged in entirely peaceful protest, all in violation of A.R.'s rights under the Fourth Amendment.

144. The actions of Defendants were the direct and proximate cause of the violations of A.R.'s Fourth Amendment rights, bodily injury, pain, suffering, mental distress, fear, anguish, humiliation, and loss of liberty, as set forth more fully above.

COUNT FIVE

42 U.S.C. § 1983 CLAIM FOR VIOLATION OF FIRST AMENDMENT RIGHTS (ALL DEFENDANTS)

145. A.R. incorporates the factual allegations of the preceding paragraphs.

146. Defendants prohibited A.R. from engaging in protected speech in a public forum. A.R. was acting reasonably within time, manner, and place restrictions to assemble and petition her local government for redress. She was not provided any alternative channels for her expression before Defendants silenced her.

147. A.R. was not blocking the street or otherwise engaged in an activity that would require a permit or license under state or local law.

148. Defendants prevented A.R. from exercising her freedom of expression because of the content of that expression, which was critical of Defendants' racially discriminatory policies and practices. In the alternative, even if Defendants were unmotivated by the content of A.R.'s

speech, Defendants' actions to silence A.R. were not substantially related to an important government purpose.

149. Defendants' misconduct in silencing and preventing A.R.'s protected speech were the direct and proximate cause of the violations of A.R.'s First and Fourteenth Amendment rights and her bodily injury, pain, suffering, mental distress, anguish, humiliation, and loss of liberty, as set forth more fully above.

COUNT SIX

42 U.S.C. § 1983 CLAIM FOR RETALIATORY ARREST IN VIOLATION OF FIRST AMENDMENT RIGHTS (ALL DEFENDANTS)

150. A.R. incorporates the factual allegations of the preceding paragraphs.

151. A.R. was engaged in lawful First Amendment activity on a public sidewalk of the City of Baton Rouge when she was arrested on July 9, 2016. A.R. was acting reasonably within time, manner, and place restrictions and was not provided any alternative channels for her expression.

152. Defendants lacked probable cause to arrest A.R.

153. Defendants' arrest of A.R. constituted a violation of her First Amendment rights to engage in spontaneous and non-disruptive speech in a public place on a matter of pressing public importance.

154. Defendants arrested A.R. or caused A.R. to be arrested in retaliation for her exercise of First Amendment rights, including in particular, her vocal criticism of racially discriminatory policing and police violence on the part of law enforcement, in front of Defendant Holden's house.

155. Defendants' arrest of A.R. was intended to chill her desire to engage in such protected speech. Defendants succeeded in their goal. Since her arrest by Defendants, A.R. fears participation in future protests or demonstrations.

156. The retaliatory actions of Defendants were the direct and proximate cause of the violations of A.R.'s First, Fourth, and Fourteenth Amendment rights, bodily injury, pain, suffering, mental distress, anguish, humiliation, and loss of liberty, as set forth more fully above.

COUNT SIX

42 U.S.C. § 1983 CLAIM FOR FAILURE TO INTERVENE (ALL DEFENDANTS)

157. A.R. incorporates the factual allegations of the preceding paragraphs.

158. During the events described above, Defendants stood by without intervening to prevent the violation of A.R.'s constitutional rights under the First, Fourth and Fourteenth Amendments, even though they had the opportunity and duty to do so.

159. As a direct and proximate result of Defendants' failure to intervene, A.R. suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and legal expenses, as set forth more fully above.

COUNT SEVEN

42 U.S.C. § 1983 CLAIM FOR AS-APPLIED FIRST AMENDMENT CHALLENGE TO LA. R.S. § 14:103(A)(4) (ALL DEFENDANTS)

160. A.R. incorporates the factual allegations of the preceding paragraphs.

161. A.R. was arrested for alleged violation of La. R.S. § 14:103(A)(4) while peacefully protesting.

162. As applied to the arrest of A.R. in Baton Rouge on July 9, 2016, La. R.S. § 14:103(A)(4) violated A.R.'s free speech rights under the First and Fourteenth Amendments.

Defendants used the vague language of this statute—namely, its prohibition of “tumultuous” activity—to silence and chill A.R.’s protected political speech.

163. Defendants’ application of La. R.S. § 14:103(A)(4) to detain A.R. or cause A.R.’s detention was unconstitutional and violated A.R.’s First and Fourteenth Amendment rights.

164. Defendants’ unconstitutional application of § 14:103(A)(4) was the direct and proximate cause of the violations of A.R.’s First, Fourth, and Fourteenth Amendment rights and her bodily injury, pain, suffering, mental distress, anguish, humiliation, and loss of liberty, as set forth more fully above.

COUNT EIGHT

**42 U.S.C. § 1983 CLAIM FOR FAILURE TO INTERVENE
(ALL DEFENDANTS)**

165. A.R. incorporates the factual allegations of the preceding paragraphs.

166. During the events described above, Defendants stood by without intervening to prevent the violation of A.R.’s constitutional rights under the First, Fourth and Fourteenth Amendments, even though they had the opportunity and duty to do so.

167. As a direct and proximate result of Defendants’ failure to intervene, A.R. suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and legal expenses, as set forth more fully above.

COUNT NINE

MONELL CLAIM FOR MUNICIPAL LIABILITY FOR VIOLATION OF A.R.'S CIVIL RIGHTS (DEFENDANTS CITY/PARISH, HOLDEN, DABADIE AND GAUTREAUX)

168. A.R. incorporates the factual allegations of the preceding paragraphs.

169. Defendants acted individually and together, under color of law, to violate A.R.'s rights as set forth in the preceding claims.

170. The City/Parish, BRPD, EBRSO, and Defendants Holden, Dabadie, and Gautreaux have developed and maintained policies, practices, procedures, customs, and usages exhibiting deliberate indifference to the constitutional rights of citizens and residents of the City/Parish, including but not limited to those policies, practices, procedures, customs, and usages described above, and in particular in ¶¶ 41–78 and 108–13, which caused the violation of A.R.'s rights as described herein and the resultant damages suffered.

171. The City/Parish, BRPD, and Defendants Holden, Dabadie, and Gautreaux had the power to prevent or aid in the prevention of the wrongs done and conspired to be done as described herein, yet failed or refused to do so, in violation of 42 U.S.C. § 1983.

172. The actions and omissions of Defendants as described herein were done with knowing disregard for A.R.'s constitutional rights. Defendants have acted maliciously, willfully, wantonly, and in reckless disregard of A.R.'s rights.

173. The actions of Defendants were the direct and proximate cause of the violations of A.R.'s First, Fourth and Fourteenth Amendment rights, bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, as set forth more fully above.

174. Moreover, the actions of all Defendants were directed, condoned, and/or ratified by Holden, Dabadie, and Gautreaux, final policymakers for the City/Parish and the EBRSO.

COUNT TEN

**SUPPLEMENTAL STATE LAW CLAIMS FOR CIVIL CONSPIRACY TO VIOLATE
A.R.'S RIGHTS (ALL DEFENDANTS)**

175. A.R. incorporates the factual allegations of the preceding paragraphs.

176. Defendants agreed amongst themselves to violate various rights, set forth more fully in Counts 10–15 below, as guaranteed to A.R. by Louisiana's Constitution and Civil law.

177. Defendants, in accordance with their ultimate objective to suppress lawful forms of protest and dissent, entered this agreement with the intent to arrest and detain A.R. in violation of A.R.'s rights and otherwise exploit the criminal process.

178. In furtherance of this conspiracy, each of the Defendants committed specific overt acts, misusing their police powers for the purpose of unlawfully silencing A.R. They accomplished this goal by giving orders to arrest protesters (including A.R.), using excessive force to unlawfully effect A.R.'s arrests, fabricating evidence against A.R., and approving trumped up charges against them, which resulted in their unlawful imprisonment.

179. Additionally, the individual Defendants, whether or not involved in the specific arrest of A.R., by their presence on the 200 block of Rivercrest neighborhood on the evening of July 9 implemented the conspiracy by providing support, assistance, and encouragement to those Defendants who actually performed, processed, or otherwise participated in A.R.'s arrest.

180. Defendants were acting in the course and scope of their employment at all times relevant to this claim.

181. As a direct and proximate result of Defendants' conspiracy, A.R. suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and legal expenses, as set forth more fully above.

182. Defendants are subject to solidary liability for the injuries caused to A.R. by acts in furtherance of their conspiracy.

COUNT ELEVEN

SUPPLEMENTAL STATE LAW CLAIMS FOR VIOLATIONS OF THE FREE EXPRESSION PROTECTIONS OF THE LOUISIANA CONSTITUTION (ALL DEFENDANTS)

183. A.R. incorporates the factual allegations of the preceding paragraphs.

184. Article I, Section 7 of the Louisiana Constitution, protects freedom of expression. Article I, Section 9 protects the right of assembly and the right to petition the government for redress of grievances. Defendants' actions in arresting and detaining A.R. as described above interfered with their exercise of these fundamental rights, as guaranteed by Louisiana's Constitution.

185. Defendants were acting in the course and scope of their employment at all times relevant to this claim.

186. As a direct and proximate result of Defendants' misconduct, A.R. suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, as set forth more fully above.

COUNT TWELVE

SUPPLEMENTAL STATE LAW CLAIMS FOR VIOLATIONS OF THE RIGHT TO PRIVACY, THE RIGHT TO BE LEFT ALONE, AND THE RIGHTS OF THE ACCUSED (ALL DEFENDANTS)

187. A.R. incorporates the factual allegations of the preceding paragraphs.

188. Defendants' seizure of A.R. was unreasonable and without probable cause, constituting a violation of the right to be left alone and the right to privacy secured by Article I, § 5 of the Louisiana Constitution.

189. Defendants were acting in the course and scope of their employment at all times relevant to this claim.

190. As a direct and proximate result of Defendants' misconduct, A.R. suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, and loss of liberty, as set forth more fully above.

COUNT THIRTEEN

SUPPLEMENTAL STATE LAW CLAIMS FOR INTENTIONAL TORTS, INCLUDING INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, ASSAULT, AND FALSE IMPRISONMENT (ALL DEFENDANTS)

191. A.R. incorporates the factual allegations of the preceding paragraphs.

192. Defendants intentionally placed A.R. in reasonable apprehension of receiving a battery—specifically in the form of possible shots fired from the many rifles pointed at her—during her arrest. As the arrest and detention were unjustified by legal authority, Defendants have committed the intentional torts of assault, false arrest, and imprisonment. Defendants' militarized response to peaceful and lawful protests and their arrest of A.R. amounts to extreme and outrageous conduct that caused A.R. severe emotional distress. Defendants knew or should have known that such distress would be the outcome of their actions and therefore are liable for intentional infliction of emotional distress.

193. Defendants were acting in the course and scope of their employment at all times relevant to this claim.

194. As a direct and proximate result of Defendants' misconduct, A.R. suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, and loss of liberty, as set forth more fully above.

COUNT FOURTEEN

SUPPLEMENTAL STATE LAW CLAIM FOR ABUSE OF RIGHTS

(ALL DEFENDANTS)

195. A.R. incorporates the factual allegations of all preceding paragraphs.

196. Louisiana state law recognizes a cause of action for “abuse of rights” when the holder of a legal right or power exercises it predominantly for the purpose of harming another.

197. Defendants, acting in the course and scope of their employment, acted under color of law to seize, search, arrest, and/or detain A.R. in violation of rights guaranteed to A.R. by the U.S. Constitution, the Louisiana Constitution, and Louisiana state law. Defendants exercised the power granted to them by state law—including the power to search, seize, arrest, and detain—exclusively for the purpose of harming A.R., or with the predominant motive to cause harm to A.R.

198. A.R. was protesting lawfully and peacefully, and Defendants thus lacked a serious and legitimate motive to exercise their police powers against A.R.

199. Defendants further used the power granted to them as law enforcement officers in a manner that violates moral rules, good faith, and/or elementary fairness.

200. Defendants exercised their rights for a purpose other than that for which the rights are granted; specifically, Defendants unconstitutionally and unlawfully terminated A.R.’s exercise of her rights, among others, to assemble, participate in the exercise of free speech, and to petition the government for redress of grievances.

201. As a direct and proximate result of Defendants’ misconduct, A.R. suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, and loss of liberty, as set forth more fully above.

COUNT FIFTEEN

**SUPPLEMENTAL STATE LAW CLAIMS FOR NEGLIGENT INJURY
(ALL DEFENDANTS)**

202. A.R. incorporates the factual allegations of all preceding paragraphs.

203. Defendants owed a duty of care to A.R. to conduct lawful arrests, supported by probable cause, and free from the use of excessive force. Defendants' arrest and detention of A.R. violated the duty of care owed to A.R. and was a cause-in-fact of A.R.'s injuries.

204. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice and knowing disregard for A.R.'s clearly established constitutional rights. In the alternative, even if Defendants' misconduct toward A.R. was unintentional, such misconduct fell below the duty of care owed to her.

205. Defendants were acting in the course and scope of their employment at all times relevant to this claim.

206. As a direct and proximate result of Defendants' misconduct, A.R. suffered damages, including bodily injury, pain, suffering, mental distress, anguish, humiliation, loss of liberty, and legal expenses, as set forth more fully above.

VI. JURY DEMAND

207. A.R. demands trial by jury.

VII. PRAYER FOR RELIEF

A.R. prays that this Court award her the following relief:

A. A declaratory judgment that some or all of the customs, usages, and/or policies alleged in ¶¶ 41–78 and 108–13 above violated A.R.'s rights under the First, Fourth, and Fourteenth Amendments to the United States Constitution.

- B. A declaratory judgment that some or all of the customs, usages, and/or policies alleged in ¶¶ 41–78 and 108–13 above violated A.R.’s rights under Article I, §§ 5, 7, and 9 of the Louisiana Constitution of 1974.
- C. A declaratory judgment that Defendants’ application of La. R.S. § 14:103(A)(4) to detain A.R. or cause her detention was unconstitutional and violated A.R.’s First and Fourteenth Amendment rights.
- D. Compensatory damages including an amount sufficient to compensate her for physical and emotional pain and suffering caused by Defendants’ actions as alleged herein.
- E. Punitive damages against each of the individual Defendants in amounts sufficient to deter and punish each of them for their willful, wanton, and race-based misconduct.
- F. Equitable relief in the complete destruction of any and all samples taken from A.R., analysis performed on A.R. or samples collected from A.R., including but not limited to cheek swabs and finger prints, and any other documents, objects, and/or records generated as a result of A.R.’s illegal arrest and detention.
- G. Attorneys’ fees, costs, and judicial interest under 42 U.S.C. § 1988, 28 U.S.C. § 1920, and other such lawful authority; and
- H. Such further and additional relief as this Court may deem proper and just.

Respectfully Submitted, this the 9th day of July, 2017.

Plaintiff Shonta Jackson on behalf of her minor daughter, A.R.,

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